IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7527 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE D.N.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PADAM SAMBHAV JAIN

Versus

UNION OF INDIA

Appearance:

1. Special Civil Application No. 7527 of 2004

MR NILESH A PANDYA for Petitioner No. 1

MS PJ DAVAWALA, ADDL. Central Govt.

Standing Counsel for Respondent no.1.

RULE SERVED BY DS for Respondent No. 1,2-3

CORAM : HON'BLE MR.JUSTICE D.N.PATEL

Date of decision: 09/07/2004

ORAL JUDGEMENT

1. The present petition is filed under Article 226 of the Constitution of India, whereby the petitioner seeks direction upon the respondents to hand over valid Passport No.A-00775620 which was seized by the Indian Immigration Control Indira Gandhi International Airport, New Delhi.

2. It is contended by the learned advocate for the petitioner that upon seizure of the petitioner's passport as per the communication dated 27-2-2004 Annexure-B to the memo of the petition, the said passport has been sent to the Regional Passport Officer, at Ahmedabad and the petitioner is directed to pursue the said authority for further necessary action. Therefore, the petitioner had approached the Regional Passport Officer, Ahmedabad but no action has been taken by the respondent no.3 i.e. Regional Passport Officer, Ahmedabad so far.

3. Looking to the facts and circumstances of the case and considering the submissions made by the learned advocates for the parties, the petitioner is directed to approach the respondent no. 3 with a written representation within a period of three days from today and upon such representation made by the petitioner, the respondent no. 3 or the competent officer of the respondents - authoritiy, is directed to decide the said representation of the petitioner in accordance with law, within a period of 10 days from the date of receipt of the representation.

4. Ms. P.J. Davawala, learned Addl. Central Govt. Standing Counsel submitted that the time stipulated by this Hon'ble Court is too short for the authority to take decision on the representation of the petitioner because the respondent no. 3 shall have to enter into further communication with the respondent no. 1 or the respondent no. 2 and therefore some more time may be granted.

5. Looking to the facts and circumstances of the case, time granted by this Court to the respondent no. 3 is sufficient. In case of any difficulty, the respondent no. 3 may approach this Court. The petitioner is also at liberty to approach this Court in case of any difficulty after decision is taken by the respondent no. 3 on the representation.

6. In view of the above directions, this petition stands disposed of. Rule is discharged with no order as to costs. D.S. is permitted.

(D.N. Patel, J.)

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